REMARKS

Claims 1, 24 and 25 have been amended by incorporating the text of claim 12 into these claims. Accordingly, claim 12 has been canceled.

Claims 1 and 23-25 have been amended to require the presence of at least one phosphate surfactant component comprising at least one monoalkyl phosphate surfactant. Thus, the pending claims now expressly cover compositions in which the phosphate surfactant component contains a monoalkyl phosphate surfactant (for example, a monoalkyl phosphate surfactant by itself or in combination with other phosphate surfactant(s) such as a dialkyl phosphate surfactant). Applicants unsuccessfully attempted to obtain a dialkyl phosphate surfactant for purposes of demonstrating improved properties associated with using such dialkyl phosphate surfactants in the claimed compositions. For this reason alone, Applicants have amended the claims to require the presence of a monoalkyl phosphate surfactant. Applicants have amended the claims for this sole reason despite the fact that Applicants believe that compositions containing only dialkyl phosphate surfactant(s) would function in the same way to achieve the same result as monoalkyl phosphate surfactants in the claimed compositions, and that incorporating such dialkyl phosphate surfactant(s) into the claimed compositions constitutes part of Applicants' invention.

Claims 3, 4 and 16 have been amended so that they conform to claim 1 as amended.

Claims 1-11 and 13-25 are currently pending.

Initially, Applicants would like to thank Examiners Wang and Yu for the courteous and helpful Interview conducted on August 10, 2005, which Applicants believe materially furthered prosecution in this case.

During the Interview, the Rule 132 declaration and the Request for Reconsideration submitted March 9, 2005 were discussed. The Examiners indicated that the following issues needed further clarification/explanation: (1) the Examiners believed that the term "cationic polymer" in the claims was too broad; (2) the Examiners believed that the term "phosphate surfactant" was too broad, and that this term was not commensurate in scope with the data presented in the examples of the present application/Rule 132 declarations because only monoalkyl phosphate surfactants were used in these examples; and (3) the quantitative numbers in the examples of the present application/Rule 132 declarations were unclear.

Regarding (1), Applicants have amended claims 1, 24 and 25 by incorporating the text of claim 12 into these claims. These amendments have specified the cationic polymers which are the subject of the claimed invention. Accordingly, Applicants respectfully submit that the claimed cationic polymer is not too broad.

Regarding (2), Applicants have amended claims 1 and 23-25 to require the presence of at least one phosphate surfactant component comprising at least one monoalkyl phosphate surfactant. Thus, the phosphate surfactant component is now clearly commensurate in scope with the data presented in the present application/Rule 132 declarations. As noted above, Applicants have amended the claims in this manner for the sole reason that they were unable to obtain a dialkyl phosphate surfactant for purposes of demonstrating improved properties associated with using such dialkyl phosphate surfactants in the claimed compositions.

Regarding (3), pages 17-18 of the present specification clearly explain how the quantitative numbers set forth in the examples and in the Rule 132 declarations were obtained. These pages describe a precise methodology for testing compositions. (Page 17,

lines 10-20). They also describe the criteria by which the compositions were evaluated, including the meaning of the numbers used for such evaluation (for example, for foam volume, "the grade attributed increases as the volume increases"). (Page 17, line 21 through page 18, line 12). Thus, the numbers used for such evaluation are tied to specific physical characteristics of the tested compositions, and these numbers reflect relative differences among the tested compositions (for example, for foam volume, higher numbers reflect foam having greater volume). Clearly, based on the information provided at pages 17-18 of the present specification, one skilled in the art would recognize the significance and meaning of the numbers provided in the examples and in the Rule 132 declarations, as well as how differing numbers demonstrate the different physical characteristics of the tested compositions.

In view of the above, Applicants respectfully submit that they have satisfactorily addressed all issues raised during the Interview.

What's more, as demonstrated by the March 2005 declaration submitted in this case, Applicants' showing of "unexpected and surprising" results set forth in the four Rule 132 declarations submitted in this case rebut any hypothetical case of *prima facie* case of obviousness which may exist. This is particularly true given the amendments set forth above to the pending claims.

More specifically, the March 2005 declaration demonstrates that Invention Composition A containing an anionic phosphate and a cationic polymer devoid of saccharide groups has significantly smaller bubble size, significantly more dense foam and significantly improved rinsing properties than compositions containing a surfactant other than an anionic

phosphate or a cationic polymer containing saccharide groups. (Rule 132 dec., par. 6). The declaration also demonstrates that the claimed compositions have significantly improved foam volume properties than Comparative Example 3. (Rule 132 dec., par. 6).

As explained in the declaration, these results demonstrate that cationic polymers containing saccharide groups lead to compositions which are difficult to rinse as compared to compositions containing cationic polymers lacking saccharide groups (compare 6.5 of Comparative Example 2 with 9.1 of Invention Composition A). (Rule 132 dec., par. 7). These results also demonstrate that anionic surfactants which are not phosphates lead to compositions which (a) are more difficult to rinse (compare 8.1 of Comparative Example 3 with 9.1 of Invention Composition A); and (b) have low foam density (compare 6.3 of Comparative Example 3 with 7.5 of Invention Composition A) as compared to compositions containing anionic phosphates. (Rule 132 dec., par. 7).

The declaration also explains that the Rule 132 declaration submitted December 8, 2003 demonstrates that compositions having an anionic phosphate surfactant and a cationic polymer devoid of saccharide groups have smaller bubble size and greater foam density than compositions having a different type of anionic surfactant and a cationic polymer devoid of saccharide groups, and that the data set forth in the new declaration supplements this data. (Rule 132 dec., par. 9). The March 2005 declaration also explains that the data therein demonstrates that compositions having a cationic polymer containing saccharide groups have larger bubble size and lesser foam density than the invention compositions containing polymers devoid of saccharide groups. (Rule 132 dec., par. 9).

The March 2005 declaration goes on to explain that the Rule 132 declaration submitted August 26, 2004 demonstrates that the invention compositions having an anionic phosphate surfactant and a cationic polymer devoid of saccharide groups have greater foam volume and density than compositions having only an anionic phosphate surfactant, and that the data set forth in the new declaration supplements this data. (Rule 132 dec., par. 10). The March 2005 declaration also explains that the data therein demonstrates that compositions having a cationic polymer containing saccharide groups have lesser foam density than the invention compositions containing polymers devoid of saccharide groups. (Rule 132 dec., par. 10).

The March 2005 declaration then explains that the improved sensory characteristics obtained with the invention compositions in all of the Rule 132 declarations are representative of the present invention. (Rule 132 dec., par. 11). That is, it would be expected that compositions comprising a surfactant component consisting essentially of at least one phosphate surfactant and at least one foaming non-ionic surfactant, and at least one cationic polymer devoid of saccharide groups in an aqueous medium, the composition having the appearance of a transparent gel, would possess improved sensory characteristics like those of the exemplified invention compositions. (Rule 132 dec., par. 11).

The declaration then states that, in contrast, the comparative examples containing an anionic surfactant other than an anionic phosphate and/or a cationic polymer having saccharide groups possessed inferior sensory characteristics as compared to the invention compositions, and that this difference in sensory characteristics demonstrates the criticality of having both an anionic phosphate and a cationic polymer devoid of saccharide groups in the

invention compositions. (Rule 132 dec., par. 12). This difference in sensory characteristics was unexpected and surprising. (Rule 132 dec., par. 12).

Finally, the March 2005 declaration explains the commercial significance of the improved sensory characteristics associated with the claimed compositions. The declaration explains that smaller bubble size and higher foam density are desirable physical properties for cleansing compositions because such properties lead to cleansing compositions having more commercially desirable characteristics such as, for example, better staying power and foam consistency, and that improved rinsibility is a desirable characteristic for commercial cleansing compositions. (Rule 132 dec., par. 13).

Clearly, all evidence of record demonstrates that "unexpected and surprising" benefits are associated with the claimed compositions. Accordingly, to the extent a *prima facie* case of obviousness exists, it has been rebutted and the § 103 rejection must be withdrawn.

Notwithstanding the above, no *prima facie* case of obviousness exists. Lukenbach teaches that several cationic polymers can be used in his compositions. For example, Lukenbach states that polyquaternium-7 (col. 11, line 64), cellulose derivative polyquaternium-10 (col. 11, line 35) and cationic guar derivatives (col. 11, line 39) can be used. Significantly, Lukenbach neither teaches nor suggests that using polymers lacking saccharide groups such as polyquaternium-7 would yield better compositions than using any of the other disclosed cationic polymers. Similarly, Lukenbach teaches that several anionic surfactants such as, for example, alkyl sulfates, alkyl ether sulfates, alkyl monoglyceryl ether sulfates, etc. (see, cols. 8-10) can be used. Also significantly, Lukenbach neither teaches nor

suggests that using an a phosphate surfactant would yield better compositions than using any of the other disclosed surfactants.

Contrary to Lukenbach's teachings, however, the specific cationic polymer used and the specific anionic surfactant used are important as demonstrated by the Rule 132 declarations submitted in this case. Thus, contrary to Lukenbach's teachings, the specific cationic polymer used and the specific anionic surfactant used are important. Accordingly, Lukenbach completely fails to teach, suggest or recognize the significance of the claimed invention.

Moreover, based on Lukenbach's disclosure which does not attach any significance whatsoever to using a cationic polymer devoid of saccharide groups **and** a phosphate surfactant, one skilled in the art would not have expected that using both of these ingredients in a single composition would yield a composition having significantly improved rinsability, viscosity, foam bubble size and foam density characteristics, all of which translate into a more desirable commercial product.

Derian, which is cited solely for its disclosure of specific alkyl phosphate surfactants, does not compensate for Lukenbach's deficiencies.

For this reason alone, claims 1-25 are free of the cited art. Accordingly, Applicants respectfully request reconsideration and withdrawal of the pending §103 rejection.

Moreover, claims 1-24 are free of the cited art for another reason as well. Lukenbach requires the presence of an amphoteric surfactant. No suggestion or motivation exists to modify Lukenbach in such a way as to eliminate an essential element from Lukenbach's

compositions. Thus, no motivation or suggestion exists for one skilled in the art to obtain the invention of claims 1-24.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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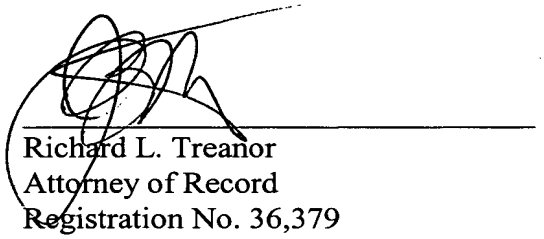

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